

## **Amendments to the claims**

This listing of claims replaces all prior versions, sand listings, of claims in the application.

### **Listing of claims:**

1. (Currently amended) A retardation element comprising a substrate, a thin film layer of a liquid crystalline or non liquid crystalline polymer having photoactive groups wherein the thin film is formed on the substrate and the axis of the photoactive groups are oriented in a micropattern form by photo orientation treatment, and a birefringence layer formed so as to contact with said thin film layer, wherein an axis of birefringence molecules of said birefringence layer is oriented in a micropattern form which is controlled by orientation of the axis of said photoactive groups, and wherein the non liquid crystalline polymer thin film layer is a thin film layer consisting of polymethacryloyl(acryloyl) oxymethoxycarbonyloxyethyl-azobenzene.

2. (Original) The retardation element according to Claim 1, wherein the photoactive group is at least one group selected from a group consisting of non-aromatic N=N, non-aromatic C=C and non-aromatic C=N.

3-21. (Cancelled)